



To the Honorable Council
City of Norfolk, Virginia

February 25, 2014

From: Steven J. Anderson, Director Department of
Development

Subject: Ordinance Amendment to
Clarify and Correct the Description of
an Easement for Ingress, Egress and
Maintenance to be conveyed by
HRSD to the City

Reviewed: Ronald H. Williams, Jr., Assistant City
Manager

Ward/Superward: City Wide

Approved:

Marcus D. Jones, City Manager

Item Number:

R-4

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description**

This ordinance amends and reordains section 3 of Ordinance numbered 45,306 so as to clarify and correctly describe the nature of the easement for ingress, egress and maintenance to be conveyed by Hampton Roads Sanitation District to the City of Norfolk in conjunction with the City's conveyance of a parcel of property to HRSD at the western end of 43rd Street.

IV. **Analysis**

At the meeting on November 26, 2013, City Council authorized the sale of a certain parcel of property to HRSD, authorized the vacation and release of a 25 foot easement for ingress and egress, accepted the dedication of a variable width easement for ingress, egress and maintenance, and approved the Purchase and Sale Agreement. It was the intention of the parties that the new variable width easement for ingress, egress and maintenance be conveyed to the City for the City's use and not as a dedication for public use. The parties therefore wish to clarify and correctly describe the nature of the easement being conveyed by HRSD to the City.

V. **Financial Impact**

N/A

VI. Environmental

N/A

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter has been coordinated with the City Attorney's Office.

Form and Correctness Approval: By Matthew Seaman
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By 
DEPT. Development**ORDINANCE No.**

AN ORDINANCE TO AMEND AND REORDAIN SECTION 3 OF ORDINANCE NUMBERED 45,306, SO AS TO CLARIFY AND CORRECTLY DESCRIBE THE NATURE OF THE EASEMENT FOR INGRESS, EGRESS AND MAINTENANCE TO BE CONVEYED BY HAMPTON ROADS SANITATION DISTRICT TO THE CITY OF NORFOLK.

WHEREAS, by Ordinance No. 45,306, adopted on November 26, 2013, Council authorized the sale of a certain parcel of property to Hampton Roads Sanitation District ("HRSD"), authorized the vacation and release of a 25' easement for ingress and egress, accepted the dedication of a new variable width easement for ingress and egress and maintenance, and approved the Purchase and Sale Agreement; and

WHEREAS, it was the intention of the parties that the new variable width easement for ingress and egress and maintenance be conveyed to the City of Norfolk for the City's use and not as a dedication for public use; and

WHEREAS, the parties wish to clarify and correctly describe the nature of the easement being conveyed by HRSD to the City in accordance with the description marked Exhibit E, which is attached hereto and made a part hereof; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 3 of Ordinance No. 45,306, entitled "AN ORDINANCE AUTHORIZING THE SALE OF A CERTAIN

PARCEL OF PROPERTY LOCATED ON THE NORTH SIDE OF 43rd STREET IN THE CITY OF NORFOLK TO HAMPTON ROADS SANITATION DISTRICT FOR THE SUM OF \$183,500.00; AUTHORIZING THE VACATION AND RELEASE OF A 25 FOOT EASEMENT FOR INGRESS AND EGRESS; ACCEPTING THE DEDICATION OF A NEW VARIABLE WIDTH EASEMENT FOR INGRESS AND EGRESS AND MAINTENANCE; AND APPROVING THE PURCHASE AND SALE AGREEMENT", adopted on November 26, 2013, is hereby corrected, amended and reordained to read as follows:

Section 3:- That the conveyance to the City by HRSD of a new variable width easement for ingress, egress and maintenance, as shown on Exhibit B and described in Exhibit E, is hereby approved and the City Manager is authorized to accept a Deed of Easement, in form satisfactory to the City Attorney, on behalf of the City.

Section 2:- That the City Manager is further authorized to revise the Purchase and Sale Agreement and exhibits thereto in order to properly reflect the nature and description of the easement being conveyed by HRSD to the City of Norfolk.

Section 3:- That this ordinance shall be in effect from and after the date of its adoption.

NOTES:

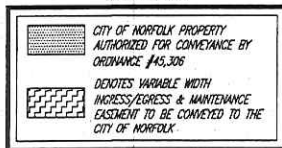
1. THE MERIDIAN SOURCE OF THIS PLAT IS BASED ON VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83(93) REFERENCED TO MAP BOOK 64, PAGE 84 & 85, RECORDED IN THE CITY OF NORFOLK CIRCUIT COURT.
2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE REPORT AND MAY NOT REFLECT ALL EASEMENTS OR RESTRICTIONS THAT AFFECT THE PROPERTY.
3. THIS PLAT IS NOT INTENDED TO SHOW ALL PHYSICAL IMPROVEMENTS THAT MAY AFFECT THE PROPERTY.
4. THE EXISTENCE OF HAZARDOUS WASTES, VEGETATED WETLANDS OR TIDAL WETLANDS WAS NEITHER INVESTIGATED NOR CONFIRMED DURING THE PERFORMANCE OF THIS SURVEY.
5. THIS PROPERTY APPEARS TO BE IN FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN, ZONE X, AREAS OF 0.2% ANNUAL CHANCE FLOOD, AND ZONE AE BASE FLOOD ELEVATIONS DETERMINED. FEDERAL EMERGENCY MANAGEMENT AGENCY COMMUNITY PANEL NUMBER 510104-00051. MAP REVISED SEPTEMBER 2, 2009.
6. THIS PROPERTY IS ZONED IN-2.

SURVEYORS NOTE:

I, NAY R. LINEBERRY, A LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME, THE UNDERSIGNED, AT THE DIRECTION OF THE OWNER, AND THAT THIS SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY DEED DESCRIBED BELOW, AND THAT CONCRETE STEEL PINS, AS SPECIFIED BY THE SUBDIVISION REGULATIONS OF THE CITY OF NORFOLK, VIRGINIA, ARE ACTUALLY IN PLACE AT POINTS MARKED THIS "●" AND/OR AS SHOWN ON THE ACCOMPANYING LEGEND, AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN.

SIGNED: *NAY R. LINEBERRY* DATE: 2-5-14
NAY R. LINEBERRY, L.S. NO. 003230

HATCH LEGEND

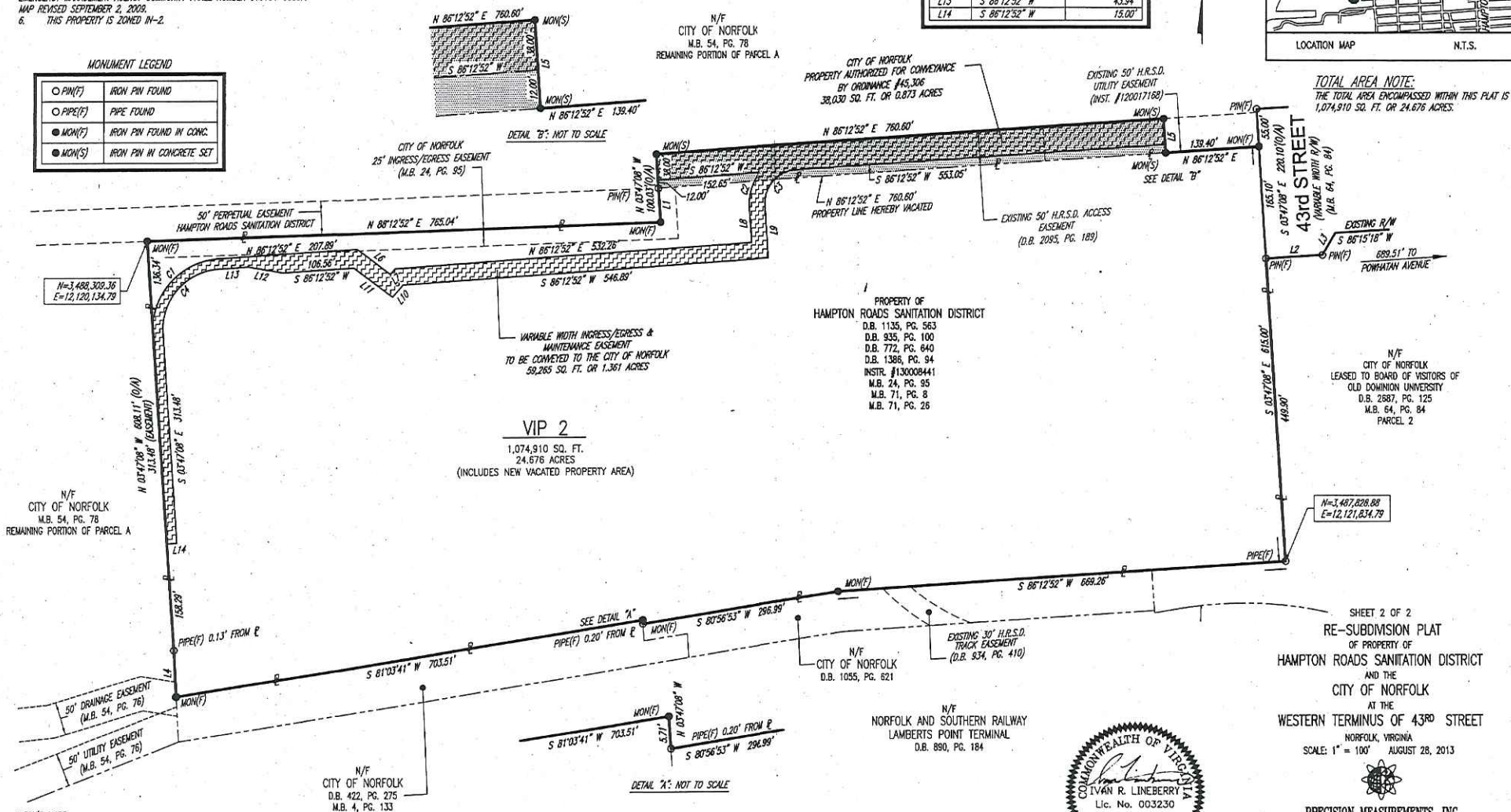


LINE TABLE

LINE	BEARING	DISTANCE
L1	N 03°47'08" W	50.03'
L2	S 86°12'52" W	84.21'
L3	S 30°31'54" W	37.54'
L4	N 02°52'10" W	68.31'
L5	S 03°47'08" E	50.00'
L6	S 53°07'18" E	62.29'
L7	N 41°06'40" E	10.98'
L8	N 03°49'18" E	51.82'
L9	S 03°49'18" E	77.45'
L10	S 41°06'40" E	23.82'
L11	N 53°07'18" W	72.73'
L12	N 87°11'13" W	52.25'
L13	S 86°12'52" W	43.94'
L14	S 86°12'52" W	15.00'

MONUMENT LEGEND

○ PIN(F)	IRON PIN FOUND
○ PIPE(F)	PIPE FOUND
● MON(F)	IRON PIN FOUND IN CONC.
● MON(S)	IRON PIN IN CONCRETE SET

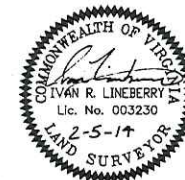


VIP 2

1,074,910 SQ. FT.
24.676 ACRES
(INCLUDES NEW VACATED PROPERTY AREA)

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	103.00'	90°00'00"	161.79'	103.00'	N 41°12'52" E	145.66'
C2	74.00'	42°08'30"	54.43'	28.51'	N 17°14'57" E	53.21'
C3	49.00'	90°02'10"	77.00'	49.83'	S 41°11'47" W	68.32'
C4	88.00'	90°00'00"	138.23'	88.00'	S 41°12'52" W	124.45'



EXHIBIT

B

SHEET 2 OF 2
RE-SUBDIVISION PLAT
OF PROPERTY OF
HAMPTON ROADS SANITATION DISTRICT
AND THE
CITY OF NORFOLK
AT THE
WESTERN TERMINUS OF 43RD STREET
NORFOLK, VIRGINIA
SCALE: 1" = 100' AUGUST 28, 2013

PRECISION MEASUREMENTS, INC.
SURVEYORS • GPS • GIS
VIRGINIA BEACH-RICHMOND-NEWPORT NEWS-CHANTILLY, VIRGINIA
851 SEAHAWK CIRCLE, SUITE 103
VIRGINIA BEACH, VIRGINIA 23452
TEL: (757) 368-0945

0 100 200 300 FEET
GRAPHIC SCALE

ORDINANCE EXHIBIT E

Ingress-Egress Easement To Be Conveyed to the City of Norfolk At the Western Terminus Of 43rd Street

An irregular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being further described as follows: That hatched parcel labeled "Variable Width Ingress/Egress & Maintenance Easement To Be Conveyed to the City of Norfolk, 59,265 Sq. Ft. or 1.361 Acres," said parcel being shown on a plat entitled, Re-Subdivision Plat of Property of Hampton Roads Sanitation District and the City of Norfolk at the Western Terminus of 43rd Street," said plat being made by Precision Measurements, Inc., dated August 28, 2013, and duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, as Instrument No.
